

Jason M. Drangel (JMD 7204)
jdrangel@ipcounselors.com
Ashly E. Sands (AES 7715)
asands@ipcounselors.com
EPSTEIN DRANGEL LLP
60 East 42nd Street, Suite 2410
New York, NY 10165
Telephone: (212) 292-5390
Facsimile: (212) 292-5391
Attorneys for Plaintiff
BigMouth, Inc.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/2/15

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BigMouth, Inc.
Plaintiff

v.

RUIPU USA, Inc. d/b/a Merry Xmas and Wei
Zhang a/k/a Steven Wei
Defendants

CIVIL ACTION No. 1:15-cv-05035-SAS

PROPOSED JOINT SCHEDULING ORDER

Pursuant to the Federal Rules of Civil Procedure and the Court's Order dated August 5, 2015 ("Order"), the parties hereby jointly submit the following information as required by the Order:

- 1. The date of the conference and the appearances for the parties.** Counsel for the parties conferred via telephone on Tuesday, August 25, 2015. Jason M. Drangel and Ashly E. Sands attended the conference on behalf of Plaintiff. ~~Andrew Watters~~ attended the conference on behalf of Defendants. *James CA1 And Wei Zhang*
- 2. The date by which automatic disclosures will be exchanged.** The parties have agreed that Tuesday, September 08, 2015 shall be the deadline for all parties to exchange their respective initial disclosures, as required by Rule 26(a)(1).
- 3. A concise statement of the issues as they then appear.** Plaintiff alleges that it manufactures and imports authentic products into the United States under registered and

unregistered trademarks and copyrights. Plaintiff further alleges that Defendants engaged in unlawful conduct, which included copying, manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling products that were counterfeit and/or infringed upon one or more of Plaintiff's trademarks and copyrights.

4. A schedule including:

a. The names of persons to be deposed and a schedule of planned depositions. Plaintiff intends to take the depositions of Defendant Wei Zhang a/k/a Steven Wei and the office manager for Defendant RUIPU USA, Inc. d/b/a Merry Xmas. 12/18

b. A schedule for the production of documents. Within thirty (30) days after the initial disclosures referenced above, Plaintiff intends to serve written discovery, including special interrogatories and requests for production of documents. 10/8
Resp 11/8

c. Dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed. With respect to expert witness disclosures pursuant to F.R.C.P. 26(a)(2), the parties believe that all such disclosures will take place by February 25, 2016 (the date proposed by the parties to conclude fact discovery). The parties also believe that all expert witness depositions will be completed by February 25, 2016 as well. not expected

d. Time when discovery is to be completed. All parties believe that discovery can be completed within six (6) months of the date of this Proposed Joint Scheduling Order, which will be on or about February 25, 2016. Discovery to be completed 12/18

e. The date by which plaintiff will supply its pre-trial order matters to defendant. Plaintiff will supply its pre-trial order matters to Defendants by March 25, 2016. to be scheduled

f. The date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial.

The parties will submit a joint pre-trial order by April 1, 2016. to be scheduled

g. Date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d)

JAN 8 at 4:30

5. A statement of any limitations to be placed on discovery, including any protective or confidentiality orders. The parties intend to enter a protective order.

6. A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement. NONE.

7. Anticipated fields of expert testimony, if any. Plaintiff's expert will provide testimony regarding the infringement.
8. Anticipated length of trial and whether to court or jury. The parties believe that the trial will take one week. All parties have demanded a jury trial.
9. The parties agree that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires.

Dated: August 25, 2015

Respectfully submitted,

EPSTEIN DRANGEL LLP

BY: 

Jason M. Drangel (JMD 7204)

jdrangel@ipcounselors.com

Ashly E. Sands (AES 7715)

asands@ipcounselors.com

60 East 42nd Street, Suite 2410

New York, NY 10165

Telephone: (212) 292-5390

Facsimile: (212) 292-5391

Attorneys for Plaintiff

BIGMOUTH, INC.

SAC ATTORNEYS LLP

BY: /s/ James Cai *Andrew Watters*

James Cai

jcai@sacattorneys.com

Andrew Watters

awatters@sacattorneys.com

111 N. Market Street, Suite 1020

San Jose, CA 95113

Telephone: (408) 436-0789

Facsimile: (408) 436-0758

Attorneys for Defendants

RUIPU USA, Inc. d/b/a Merry Xmas and

Wei Zhang a/k/a Steven Wei

*Go Orderd
Just for
9/2/15*

~~7/27/15~~